

House Study Bill 620 - Introduced

HOUSE FILE _____

BY (PROPOSED COMMITTEE ON
TRANSPORTATION BILL BY
CHAIRPERSON BEST)

A BILL FOR

- 1 An Act relating to trains blocking highways, and making
- 2 penalties applicable.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 327G.32, subsection 1, paragraphs a and
2 d, Code 2022, are amended by striking the paragraphs.

3 Sec. 2. Section 327G.32, Code 2022, is amended by adding the
4 following new subsection:

5 NEW SUBSECTION. 1A. If a railroad corporation's train
6 prevents vehicular use of a highway, street, or alley for
7 a period of time in excess of ten minutes, the railroad
8 corporation shall do all of the following:

9 a. If the train is disabled, notify local law enforcement
10 immediately.

11 b. Submit a detailed report to local law enforcement and the
12 department within fifteen days of the blockage.

13 Sec. 3. Section 327G.32, subsection 2, paragraph b, Code
14 2022, is amended to read as follows:

15 b. An employee is not guilty of a violation if the
16 employee's action was necessary to comply with the direct
17 order, policy, or instructions of a railroad corporation or ~~its~~
18 the employee's supervisors. Guilt is then with the railroad
19 corporation.

20 Sec. 4. Section 327G.32, subsections 3, 4, and 5, Code 2022,
21 are amended by striking the subsections.

22 EXPLANATION

23 The inclusion of this explanation does not constitute agreement with
24 the explanation's substance by the members of the general assembly.

25 This bill relates to trains blocking highways.

26 Under current law, a railroad corporation and its employees
27 are prohibited from operating a train in such a manner as
28 to prevent vehicular use of a highway, street, or alley for
29 a period of time in excess of 10 minutes unless (1) when
30 necessary to comply with signals affecting the safety of the
31 movement of trains, (2) when necessary to avoid striking an
32 object or person on the track, (3) when the train is disabled,
33 and (4) when necessary to comply with governmental safety
34 regulations including but not limited to speed ordinances and
35 speed regulations. The bill strikes exceptions (1) and (4).

1 The bill requires that if a railroad corporation's train
2 prevents vehicular use of a highway, street, or alley for
3 a period of time in excess of 10 minutes, the railroad
4 corporation must (1) notify local law enforcement immediately
5 if the train is disabled and (2) submit a detailed report to
6 local law enforcement and the department of transportation
7 (DOT) within 15 days of the blockage.

8 Under current law, a railroad corporation rather than an
9 employee is guilty of violating Code section 327G.32 if the
10 employee's action was necessary to comply with the direct order
11 or instructions of a railroad corporation or a supervisor. The
12 bill adds a railroad corporation's or supervisor's policy to
13 this provision.

14 Current law authorizes a political subdivision to pass
15 an ordinance regulating the length of time a specific
16 highway crossing may be blocked if the political subdivision
17 demonstrates that an ordinance is necessary for public safety
18 or convenience. If an ordinance is passed, the political
19 subdivision must, within 30 days of the effective date of
20 the ordinance, notify the DOT and the railroad corporation.
21 The ordinance does not become effective unless the DOT and
22 the railroad corporation are notified within 30 days. The
23 ordinance becomes effective 30 days after notification unless
24 a person files an objection to the ordinance with the DOT. If
25 an objection is filed, the DOT must notify the department of
26 inspections and appeals (DIA), which is required to hold a
27 hearing. After a hearing by the DIA, the DOT may disapprove
28 the ordinance if public safety or convenience does not
29 require the ordinance. The decision of the DOT is final. The
30 ordinance approved by the political subdivision is prima facie
31 evidence that the ordinance is adopted to preserve public
32 safety or convenience. The DIA, when considering rebuttal
33 evidence, must weigh the benefits accruing to the political
34 subdivision as they affect the general public use compared to
35 the burden placed on the railroad operation. Public safety

1 or convenience may include but is not limited to high traffic
2 density at a specific crossing of a main artery or interference
3 with the flow of authorized emergency vehicles. A resolution
4 regulating the length of time a specific crossing may be
5 blocked, which was adopted before July 1, 1989, is an ordinance
6 for purposes of Code section 327G.32. The bill strikes all of
7 these provisions.

8 An officer or employee of a railroad corporation who
9 violates the bill is, upon conviction, subject to a schedule
10 "two" fine of between \$100 and \$500 per violation.